

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 12, 2004**

DIVISION FOUR

B164251 People (Not for Publication)  
v.  
Quimiro

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B172371 Jesus U. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

April 12, 2004 (Continued)

DIVISION FIVE

B166217      People                                  (Not for Publication)  
v.  
Angel Estrada

The judgment is modified to impose a \$50 penalty assessment pursuant to Penal Code section 1464, subdivision (a) and a \$35 penalty assessment pursuant to Government Code section 76000, subdivision (a). The judgment is further modified to state defendant is to receive presentence credits of 68 days, consisting of 46 actual days and 22 days of conduct credit. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.  
Mosk, J.

B168693 People (Not for Publication)  
v.  
Jeffrey Lopez

The judgment is modified to impose penalty assessments of \$50 (Pen. Code, 1464, subd. (a)) and \$35 (Gov. Code, 7600, subd. (a)) in connection with the criminal laboratory analysis fee and to award defendant a total presentence custody credit of 44 days (30 days actual custody and 14 days conduct credit). The judgment is affirmed as modified.

Turner, P.J.

We concur: Grignon, J.  
Mosk, J.

B165988      People                                  (Not for Publication)  
v.  
John Stevenson

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Grignon, J.

DIVISION FIVE (Continued)

B163861      Lorraine V. Smith      (Not for Publication)

v.

American Home Products Corporation, et al.

The summary judgment is reversed. The trial court is directed to vacate its order granting summary judgment and enter a new and different order granting summary adjudication of the first through seventh causes of action. The parties are to bear their own costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                  Armstrong, J.

B168678      People      (Not for Publication)

v.

David Diego

The order staying the Penal Code section 667.5, subdivision (b) enhancement is reversed. Upon issuance of the remittitur, the Penal Code section 667.5, subdivision (b) enhancement is ordered stricken. The judgment is affirmed in all other respects.

Turner, P.J.

We concur:    Grignon, J.  
                  Armstrong, J.

B166246      Joe Drum      (Not for Publication)

v.

Farmers Insurance Exchange, et al.

The judgment is affirmed. The motion for sanctions on appeal is denied. Respondents Farmers Insurance Exchange, Truck Insurance Exchange, Fire Insurance Exchange, and Mid Century Insurance Company are awarded their costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                  Armstrong, J.

April 12, 2004 (Continued)

DIVISION FIVE (Continued)

B168208 Pacific West Commercial and Industrial Inc. (Not for Publication)  
v.  
Linda Harding

The judgment is affirmed. Plaintiff, Pacific West Commercial and Industrial, Inc. is to recover its costs on appeal from defendant, Linda Harding.

Turner, P.J.

We concur: Grignon, J.  
Mosk, J.

B163455 People (Not for Publication)  
v.  
Miguel Galvan

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.  
Grignon, J.

B168578 People (Not for Publication)  
v.  
Carl Snider

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.  
Mosk, J.

April 12, 2004 (Continued)

DIVISION FIVE (Continued)

[illegible]

The true finding as to the prior serious felony conviction allegation and the sentence are reversed. The matter is remanded for a new trial on the prior serious felony conviction allegation and resentencing. In all other respects, the judgment of conviction is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                         Mosk, J.

B172717      Joseph G.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(D.C.F.S., r.p.i.)

The petition is denied.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Mosk, J.

DIVISION SIX

B165141 People (Not for Publication)  
v.  
Green

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

April 12, 2004 (Continued)

## DIVISION SIX (Continued)

B168711 People (Not for Publication)  
v.  
Moore

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

B170808      People  
v.  
Graham

The Court:

On April 1, 2004, we received an untimely supplemental brief from appellant. We elect to treat the brief as a petition for rehearing. Having reviewed the brief, we conclude the arguments raised by appellant do not change our disposition of this appeal or warrant a rehearing. Accordingly, we deny the petition for rehearing.

B161915      People  
v.  
Alonso

Filed order modifying opinion. Petition for rehearing is denied.  
(No change in the judgment)

April 12, 2004 (Continued)

## DIVISION SEVEN

B164218 People v. Cooper (Not for Publication)

---

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B167931 People (Not for Publication)  
v.  
Badoyan

The judgment is affirmed. The abstract of judgment is ordered corrected (1) with respect to count 3 to delete reference to serving the term in any state facility, and to modify that provision to read: "As to misdemeanor count 3, Penal Code section 647, subdivision (i), defendant is to serve 6 months in county jail. Jail time in this count is consecutive to count 1"; and (2) with respect to count 4 to delete the following language: "As to misdemeanor count 4, 14610(a)(a) V.C., defendant is to serve 30 days in any state facility. Jail time in this count is to be consecutive to count 1." The superior court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

## DIVISION EIGHT

B163048 Timmons  
v.  
Manatt, Phelps & Phillips

Filed order denying petition for rehearing.

April 12, 2004 (Continued)

DIVISION EIGHT (Continued)

B165201     Fine

v.

Los Angeles Unified School District

Filed order denying petition for rehearing.